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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,156	06/27/2001	James John Wilson	DN2001117	3836

7590 05/19/2004

The Goodyear Tire & Rubber Company
Patent & Trademark Department - D/823
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Akron, OH 44316-0001

EXAMINER

CHARLES, MARCUS

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/893,156

Applicant(s)

WILSON ET AL.

Examiner

Marcus Charles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to the remarks/argument filed 02/17/04, which has been entered. Claims 1-5 are currently pending.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janne (5,382,198) in view of Miranti, Jr. Janne discloses a power transmission having an inner surface comprising longitudinally extending grooves (19) and transverse grooves (20) that are inclined at an angle (α) less than 90° relative the longitudinal direction of the belt, and all the transverse grooves have the same depth, the transverse and longitudinal grooves form rows of cogs on the belt inner surface. Janne further discloses that it is known for the grooves to have randomized spacing to distribute the noise over a wide frequency range (col.1, line 36-45). Janne does not disclose that the cogs having at least three different longitudinal lengths and are randomly arranged in a non-sequential manner along the length of the belt. Miranti, Jr. discloses a transmission belt (20) comprising cogs that are randomly arranged in a non-sequential manner along the length of the belt (figs. 8-9) in order to distribute the noise over a wide frequency range and to reduce noise during normal operation. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the belt of

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Janne so that the cogs are randomly arranged in a non-sequential manner along the length of the belt in view of Miranti, Jr. order to distribute the noise over a wide frequency range and to reduce noise during normal operation.

In claims 2-3, note fig. 8-9 of Miranti, Jr. shows the cogs having at least three to six different lengths.

Regarding claim 4, Miranti, Jr. clearly shows not more than four rows of cogs have the same length.

Regarding claim 5, Janne and Miranti, Jr. does not disclose the claimed sequence of the cogs. It would have been obvious to one of ordinary skill in the art at the time of the invention to arrange the cogs in any desired sequence such as that of the claimed invention, since applicant has not disclosed that such claimed sequence solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with the sequence of Miranti, Jr.

Response to Arguments

3. Applicant's arguments filed 2/17/2004 have been fully considered but they are not persuasive. Applicant contended that none of the embodiments of the invention of Miranti, Jr. shows the cog grooves are staggered in a non-sequential manner but teaches sequential random arrangements along the length of the belt. Applicant also states that Miranti, Jr. further states in col. 6, lines 53-60, that a random of arrangements comprises a sequence of "34 spacing", and concludes that there is a repetition of sequences over and over again along the length of the belt. In response, Miranti, Jr. clearly discloses the cog grooves can be arranged in a non-sequential

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manner such as a matrix. Col. 6, lines 20-27. While it is true that Miranti, Jr. discloses various sequential patterns for the groups of grooves, Miranti, Jr. is also discloses the use of randomly staggering the rows to reduce noise in the belt system. Applicant also argued that the Miranti, Jr. shows a pattern of repeating sequence over the entire length of the belt. In response, col. 6, lines 29-30), Miranti, Jr. teaches an example of a non-sequential random staggering pattern of rows (A-E) of belt construction (20A). This non-sequential pattern is repeated along the length of the belt, but they are repeated sequentially in groups and each row of the group is non-sequentially staggered. Thus, it is clear that each row is non-sequentially arranged along the entire length of the belt. Accordingly, the rejection in view of Janne in view of Miranti, Jr. is proper.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (703) 305-6877. The examiner can normally be reached on Monday -Thursday 7:30 am-600 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on (703) 308-3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Marcus Charles
Primary Examiner
Art Unit 3682
May 15, 2004